

Message

From: Weber, Courtney [Weber.Courtney@epa.gov]
Sent: 9/26/2018 5:52:44 PM
To: Steiner-Riley, Cara [Steiner-Riley.Cara@epa.gov]; Stern, Allyn [Stern.Allyn@epa.gov]
Subject: FW: 316(b) Update and impacts to Grand Coulee permit
Attachments: R10 Hydroelectric NPDES permits and CWA 316(b)_2018_09_25_v2_jw.docx

FYI

From: Wu, Jennifer
Sent: Wednesday, September 26, 2018 10:32 AM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>; Soscia, Mary Lou <Soscia.Marylou@epa.gov>
Cc: Weber, Courtney <Weber.Courtney@epa.gov>; Poulsom, Susan <Poulsom.Susan@epa.gov>; Merz, Martin <merz.martin@epa.gov>
Subject: 316(b) Update and impacts to Grand Coulee permit

Hi Dan, Mike, and Mary Lou,

Here's an update on where briefings are with 316(b) and also some timing questions on how that affects the Grand Coulee permit:

1. Briefing through EPA HQ. The program side at EPA developed a briefing paper to Anne Wiedeman (sp?), the liaison between programs and Dave Ross, on 316(b) issues in R10. The draft is attached above. Andrew Sawyer will give an informal briefing to Anne on 316(b) as part of the OWM weekly meeting. An important factor will be OGC's legal review of whether 316(b) applies. Courtney may have a better sense of the timing for OGC's review and report to Anne. After OGC's recommendation, we're likely to hear from EPA about their view on 316(b) applicability, whether they need more time to respond to us on 316(b) applicability to hydropower, and whether additional briefings will occur that may involve us.
2. My talk with BOR. I talked with my contact, Bryan Horsburgh, at BOR yesterday and this morning. He works in Boise and reports directly to Dave Mabe, the Regional Director of the Boise office. I reiterated that Dan had committed to running up the chain 316(b) applicability to hydropower dams and that EPA HQ is aware of comments from the national hydropower association (UWAG) and BOR. I also let him know I was directed to continue working on the Grand Coulee permit and keep 316(b) language in, and if EPA HQ determines that 316(b) does not apply, I will take it out. We also talked about if EPA HQ determines 316(b) applies to hydros, that we can only extend the time on the permit if BOR contacts the Administrator and we're directed to not work on the permit or have a "forced pause". I also said that we'll make sure to stay in contact and EPA and BOR will continue talking at our different levels. He did call this morning and ask who our Administrator was along with another clarification question.
3. Grand Coulee Permit. This is out for review by Susan and Courtney before we go out for a draft 401 cert request. I intend to move forward unless directed otherwise even if we don't hear back from BOR. Those draft 401 cert requests will go to Ecology and Colville Tribes.

Lastly, I want to add that we've gotten excellent support from Sean Ramach at EPA HQ, and EPA HQ has been moving quickly to get this issue elevated. EPA HQ has also helped on several fronts including giving BOR a presentation on 316(b), reviewing my 316(b) write-ups in permits and fact sheets, and working with Courtney on responses to comments on the draft ID hydro GP among other work. On the BOR front, [Ex. 5 Deliberative Process (DP)] Bryan and I have so far had an open and regular communication to be frank and respectful with each other on our agencies'

viewpoints and walk through processes and options. So I intend to keep up that open dialogue with BOR and Grand Coulee operators.

Other updates on the overall permits are in the permit tracker sheets under the Dalles Dam and the Grand Coulee dam tabs.

Jenny Wu
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